

REMARKS

The drawings and claims have been amended to address the Examiner's rejections, incorporate the Examiner's suggestions, and to place the application in better form. Applicant thanks the Examiner for providing suggestions. The claims have also been amended to further highlight and more clearly point out the important features of the invention.

Applicant thanks the Examiner for responding to Applicant's previous arguments and for indicating how the Examiner interprets the second packet of Markkula to be similar to the packet in claim 1 of the present application. This gives Applicant a better understanding of the rejection and changes Applicant's arguments. Applicant has amended the claims to specifically address, and clearly distinguish from, this new interpretation of the claims and Markkula.

New independent claim 15 has been added which specifically sets forth the step of canceling the attempt to forward the first packet when the time period has been exceeded. Applicant notes that in Markkula, the next packet is not canceled, but instead it is merely postponed. It is of prime importance in Markkula to successfully transmit all packets and a next packet would not be canceled just because a previous packet needed to be retransmitted.

Claim 15 also sets forth creating a second packet and replacing the first packet in the memory with the second packet after said canceling of the attempt to forward. The second packet being created after the first packet. Markkula, clearly does not replace a previous packet with a next packet when the previous packet has been canceled. As described above, Markkula retransmits the original packet sent and does not replace a packet which it was attempting to

send with a packet that was created after the original packet was created. In fact Markkula teaches the opposite by going back to the previous packet and retransmitting that packet, instead of replacing a packet which has been canceled with a packet that has been subsequently created. Claim 15 therefore further defines over Markkula.

Claim 15 further sets forth the step of attempting to forward the second packet to the network after the replacing. Markkula clearly does not teach the step of replacing and therefore cannot teach nor suggest the step of attempting to forward the second packet after replacing. In fact Markkula teaches the opposite by teaching a retransmitting of the original packet after postponing the next packet to be sent. Claim 15 therefore even further defines over Markkula.

Applicant notes that the present invention and Markkula relate to different fields of computer network communication. The present invention relates to time sensitive information where the information is useless or worthless after a predetermined time period. Markkula on the other hand, especially with regard to ARQ protocol, is concerned with insuring that all information has been properly received and retransmitting information when there is no confirmation that the information has been received. The present invention leads a person of ordinary skill in the art to cancel packets after a predetermined time limit, and Markkula teaches retransmitting information until a confirmation is received. The present invention and Markkula therefore lead a person of ordinary skill in opposite directions. In particular, the person of ordinary skill would be led to not drop packets by Markkula, while the claims of the present invention indicate to drop packets. It is Applicant's position therefore that there is no suggestion in the prior art which would lead a person of ordinary skill in the art to modify

Markkula to suggest the steps of claim 15. As described above, claim 15 sets forth specific claim language which is not taught in Markkula, and it would not be obvious from the prior art to modify Markkula to suggest the non taught method steps of claim 15. Claim 15 therefore cannot be anticipated by, or considered obvious in view of Markkula.

Claim 1 has been amended to specifically set forth the step of canceling the attempt to forward the packet stored in memory and replace the packet stored in memory with a new packet when the time limit is exceeded. As described above, Markkula does not teach nor suggest the step of canceling an attempt to forward a packet, and then the step of replacing that packet with a new packet. Markkula teaches the opposite, namely retransmitting a previously sent packet, and a person of ordinary skill in the art would not be led to replace the packet which was attempting to be forwarded with a new packet. Claim 1 therefore also defines over Markkula.

Claim 16 sets forth that the step of creating the second packet includes combining data of the first packet with additional data to create data for the second packet. This is described in the specification on page 23 line 6. Applicant finds no teaching nor suggestion of combining data of a first canceled packet with additional data to create data for second packet in Markkula, and therefore claim 16 further defines over the prior art.

Claim 17 sets forth that the step of monitoring the elapsed time, canceling, creating, replacing and further attempting to forward a further packet is repeated in the present invention. Applicant notes that this is the opposite of Markkula, where in Markkula, the operation is returned to the first packet instead of proceeding to second and subsequent packets.

Claim 18 sets forth the step of limiting a number of steps of combining data. Markkula does not teach nor suggest combining data, and therefore claim 18 further defines over Markkula.

Claim 14 and claim 23 set forth that the step of creating the first packet is performed using local audio as a data portion of the packet. The rejection of claim 14 states that it would have been obvious to have time sensitive data in the invention of Markkula as a matter of network design choice to allow connectivity of time sensitive devices. Applicant must traverse this statement because Markkula is time insensitive with regard to transmitting information. The packets in Markkula are not time sensitive, since there is no indication in Markkula, especially with regard to the ARQ protocol, that packets lose their value after a predetermined time period. As stated in Markkula, it appears that a guaranteed transmission of information, regardless of the time, is more important than timely transmission of information. The prior art therefore leads a person of ordinary skill in the art away from the present invention, especially time sensitive information. The present invention therefore cannot be considered obvious in view of the prior art.

Claim 24 further sets forth that the packet forwarding system receives workstation packets from the workstation and forwards these workstation packets to the network. The packet forwarding system of claim 24 is therefore positioned between a workstation and the network. Applicant finds no teaching nor suggestion of such an arrangement of a workstation, a packet forwarding system, and a network in Markkula. Claim 24 therefore further defines over Markkula.


Claim 25 further sets forth that the forwarding of the workstation packets to the network is interrupted during the attempting to forward the first packet to the network. Since Markkula does not teach nor suggest a workstation, and a packet forwarding system forwarding packets from the workstation, Markkula clearly cannot teach interrupting such forwarding of workstation packets. Claim 25 therefore further defines over the prior art.

Claim 27 sets forth that the step of attempting to forward the first packet includes waiting for a free period on the network and forwarding the first packet to the network during a first free period. Applicant notes that Markkula does not teach nor suggest forwarding a packet to the network during a first free period, but instead describes the opposite by not attempting to forward a packet until receiving a reply from the destination of a previous packet. Therefore it is Applicant's position that Markkula does not teach nor suggest the step of attempting to forward a packet within a predetermined time period, because Markkula clearly leads a person of ordinary skill in the art not to attempt to forward a packet until a confirmation packet has been received. Furthermore, Markkula does not therefore wait for a free period on the network and transmit a packet during the first free period. Claim 27 therefore further defines over Markkula.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 
Theobald Dengler
Registration No. 34,575
McGLEW AND TUTTLE, P.C.

TD:tf
63186.3

Enclosed: Check for \$108.00 (6 claims in excess of 20)
Letter Re Drawing Corrections
(4) Sheets of Drawings

DATED: November 15, 2000
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, NO.: EL597141064US

McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION, SCARBOROUGH, NY 10510-0827

BY:  DATE: November 15, 2000